

Conference Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 230

HOUSE BILL 2139

AN ACT

AMENDING SECTIONS 25-323.01, 25-505.01, 25-812, 25-814, 25-817 AND 36-322,
ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 25-323.01, Arizona Revised Statutes, is amended to read:

25-323.01. Child support committee; membership; duties; report

A. The child support committee is established consisting of the following members:

1. The director of the department of economic security or the director's designee.

2. The assistant director of the division of child support enforcement of the department of economic security.

3. A division or section chief from the office of the attorney general who has knowledge of or experience in child support enforcement and related issues and who is appointed by the attorney general.

4. The director of the administrative office of the supreme court.

5. Two presiding judges from the domestic relations division of the superior court who are appointed by the chief justice of the supreme court. One judge shall be from an urban county and one judge shall be from a rural county.

6. A title IV-D court commissioner who is appointed by the chief justice of the supreme court.

7. A clerk of the superior court who is appointed by the chief justice of the supreme court.

8. ~~Two ONE county attorneys~~ ATTORNEY who are IS appointed by the director of the department of economic security AND WHO IS from a county that is currently contracting with the state to provide child support enforcement services. ~~One county attorney shall be from an urban county and one county attorney shall be from a rural county.~~

9. An executive assistant from the office of the governor who is appointed by the governor.

10. One person who is knowledgeable in child support issues and who is a noncustodial parent and one person who is knowledgeable in child support issues and who is a custodial parent. The president of the senate shall appoint these members.

11. One person who is knowledgeable in child support issues and who is a noncustodial parent and one person who is knowledgeable in child support issues and who is a custodial parent. The speaker of the house of representatives shall appoint these members.

12. One parent who is knowledgeable in child support issues, who has joint custody and who is appointed jointly by the president of the senate and the speaker of the house of representatives.

13. One person from the executive committee of the family law section of the state bar of Arizona who is appointed by the chief justice of the supreme court.

14. One person from the business community who is appointed jointly by the president of the senate and the speaker of the house of representatives.

16. Two members of the house of representatives from different political parties. The speaker of the house of representatives shall appoint the members and designate one of the members as the cochairperson.

B. The committee shall prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues. The committee shall submit this report to the governor, the president of the senate, the speaker of the house of representatives and the chief justice of the supreme court on or before December 31 of each year and shall provide a copy of this report to the secretary of state and the director of the Arizona state library, archives and public records.

C. Nonlegislative members of the committee are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Sec. 2. Section 25-505.01, Arizona Revised Statutes, is amended to read:

25-505.01. Administrative income withholding order; notice; definition

A. In a title IV-D case, if a person is obligated to pay support, the department or its agent, without prior notice to the obligor, shall issue an income withholding order using the format prescribed by the United States secretary of health and human services. The order shall include the obligor's social security number. The withholding order shall include payment for current child support or spousal maintenance and may include an installment payment for arrearages pursuant to subsection B of this section or any other support. A withholding order under this section does not apply to amounts exempt under section 33-1131, subsection C or any other applicable exemption law. The withholding order shall direct the holder of the monies to withhold and pay to the person or agency entitled to receive the support the amount ordered by the department. The withholding order shall be accompanied by a written notice of withholding as prescribed in this section.

B. In addition to current support an income withholding order may include an installment for arrearages or any other support if:

1. At the time of issuance, the arrearage is an amount equal to at least two months but not more than six months of the obligor's current support obligation, the income withholding order shall include an additional amount equal to twenty-five per cent of the current support obligation.

2. At the time of issuance, the arrearage is an amount equal to more than six months of the obligor's current support obligation, the income withholding order shall include an additional amount equal to thirty-three per cent of the current support obligation.

3. At the time of issuance, the arrearage is an amount equal to one year or more of the obligors's support obligation, an income withholding

1 order may include an additional amount that exceeds thirty-three per cent of
2 the support obligation.

3 C. IF THE OBLIGOR DOES NOT OWE CURRENT SUPPORT BUT ARREARAGES REMAIN
4 UNPAID, THE DEPARTMENT OR ITS AGENT MAY ISSUE OR ADJUST AN INCOME WITHHOLDING
5 ORDER ONLY FOR ARREARAGES. THE INCOME WITHHOLDING ORDER SHALL BE IN THE
6 AMOUNT OF THE MOST RECENT CURRENT SUPPORT ORDER OR THE MOST RECENT ORDER
7 REGARDING THE PAYMENT ON ARREARAGES, WHICHEVER IS GREATER.

8 ~~E.~~ D. The department shall serve the order and notice on an employer
9 or payor by first class mail or by electronic means. Service by mail as
10 authorized in this section is complete as to the employer or payor when the
11 mailing is received. Service by electronic means is complete on transmission
12 to the employer or payor. The income withholding order shall direct the
13 employer or payor to deliver or mail by first class mail a copy of the income
14 withholding notice and order to the obligor within ten days after service on
15 the employer or payor.

16 ~~D.~~ E. The income withholding order is an assignment and is binding
17 fourteen days after receipt on an existing and future employer or payor of
18 the person ordered to pay support or spousal maintenance on whom a copy of
19 the income withholding order and notice of withholding is served. The
20 employer or payor shall withhold the amount specified in the order from the
21 income of the person obligated to pay support and shall transmit that amount
22 to the support payment clearinghouse within two business days after the date
23 the employee is paid. The employer or payor shall advise the support payment
24 clearinghouse of the date the monies were withheld, may combine withheld
25 amounts for several employees in a single payment and shall separately
26 identify the portion of the payment that is attributable to each employee.
27 The employer or other payor may also withhold and retain for application to
28 the employer's or payor's cost of compliance an additional one dollar per pay
29 period or four dollars per month.

30 ~~E.~~ F. If the obligor's disposable income from the primary employer
31 or payor does not meet the support obligation, the department shall issue an
32 income withholding order to a secondary employer of the obligor in order to
33 meet the full support obligation.

34 ~~F.~~ G. Any obligor, employer or other payor may challenge the income
35 withholding order issued by the department or its agent by filing a written
36 request for administrative review with the department or its agent within ten
37 days after receipt of the notice of income withholding order from the
38 employer or payor. The administrative review shall be conducted pursuant to
39 section 25-522. On receipt of a request for administrative review the
40 department or its agent shall delay implementation of the income withholding
41 order.

42 ~~G.~~ H. A change in income withholding pursuant to subsection B of this
43 section is not a sufficient basis for a modification of the current support
44 order.

H. I. Notwithstanding section 25-504, in a title IV-D case, if all obligations of support have been satisfied and the person obligated to pay support is no longer obligated and if the parties, including the department or its agent in a title IV-D case, submit a stipulation that the current obligation of support no longer exists and that all arrearages either have been satisfied or waived, the department or its agent shall issue an order terminating the income withholding order. The order shall state that the current obligation of support no longer exists and that all arrearages either have been satisfied or waived. The stipulation shall also contain the name and address of the employer or payor of the person obligated to pay support. Within five business days after the date the stipulation is submitted, the department or its agent shall send by first class mail a copy of the order terminating the income withholding order to the employer or payor, the parties and the clerk of the court.

I. J. Notwithstanding section 25-504, in a title IV-D case, the department or its agent on its own initiative, or the parties to a child support proceeding on request to the department, may terminate an income withholding order issued pursuant to this section or section 25-504, if the obligation to pay support has ended or will end within ninety days after the date the request is submitted and if all arrearages either have been paid or will be paid within the period or have been waived. The request shall include a statement of why the termination is requested, supporting documentation and the name and address of the employer and person obligated to pay support. The requesting party shall notify each party by first class mail of the request to terminate the order. The employer or payor shall continue to withhold and transmit support or spousal maintenance until otherwise ordered. On receipt of a request to terminate an income withholding order the department or its agent may suspend disbursements until a determination is issued. A party that receives notice of a request to terminate an income withholding order may object to the request and provide the department or its agent with the basis for the objection and supporting documents within ten days after receipt of the notice. Within forty-five days after the request the department or its agent shall issue a determination to all parties based on the information available. On a determination to terminate an income withholding order, the department or its agent within two business days shall send by first class mail a copy of the order terminating or adjusting the order to the employer or payor and to the support payment clearinghouse.

J. K. The employer or payor shall notify the support payment clearinghouse in writing when the person ordered to pay support or spousal maintenance is no longer employed by the employer or the right to receive income has been terminated. The employer shall notify the support payment clearinghouse in writing of the former employee's last known address and the name and address of the new employer, if known. If the employer or payor is again obligated to pay income to a person ordered to pay support within

1 ninety days after termination of this right, the employer or payor is again
2 bound by the income withholding order and is required to perform pursuant to
3 this section.

4 ~~K~~. L. The obligation for current child support shall be fully met
5 before any payments under an order of assignment may be applied to payments
6 of arrearages. If a person is obligated to pay child support for more than
7 one family and the amount available for withholding is not sufficient to meet
8 the total combined child support obligation, any monies withheld from the
9 obligor's income shall be allocated to each family by the employer or payor
10 as follows:

11 1. The amount of current child support ordered in each case shall be
12 added to obtain the total child support obligation.

13 2. The ordered amount in each case shall be divided by the total child
14 support obligation to obtain a percentage of the total amount due.

15 3. The amount available from the obligor's income shall be multiplied
16 by the percentage under paragraph 2 of this subsection to obtain the amount
17 to be allocated to each family.

18 ~~L~~. M. An income withholding order shall include a statement that an
19 employer shall not refuse to hire a person or shall not discharge or
20 otherwise discipline an employee as a result of an income withholding order
21 authorized by this section, and an employer who refuses to hire a person or
22 who discharges or otherwise disciplines an employee as a result of the income
23 withholding order is subject to contempt and fines as established by the
24 court. Any person wrongfully refused employment or an employee wrongfully
25 discharged or otherwise disciplined is entitled to recovery of damages
26 suffered, reinstatement if appropriate, plus attorney fees and costs
27 incurred. Any employer or other payor who fails without good cause to comply
28 with the terms of the income withholding order may be liable for amounts not
29 paid to the support payment clearinghouse pursuant to the income withholding
30 order, reasonable attorney fees and costs incurred and may be subject to
31 contempt. The department may initiate an action in superior court to enforce
32 this subsection.

33 ~~M~~. N. On issuance of an income withholding order the department or
34 its agent shall issue a notice of withholding directed to the person ordered
35 to pay support. The notice shall advise the obligor that:

36 1. An income withholding order has been issued against the obligor's
37 income for payment of currently accruing child support or spousal
38 maintenance, or both.

39 2. The income withholding order may include an amount for child
40 support arrearages, or any other support.

41 3. The obligor may file a written request for administrative review
42 with the department pursuant to section 25-522 within ten days after receipt
43 of this notice if the obligor believes that:

44 (a) The income withholding order is improper or unlawful.

45 (b) The obligor's property is exempt by law.

1 (c) The employer or other payor is withholding more than permitted by
2 law.

3 4. An income withholding order made pursuant to this section becomes
4 binding on the employer or payor or any future employers or future payors
5 fourteen days after receipt of a copy of the order and notice of withholding.

6 5. The employer or payor shall withhold the amount specified in the
7 order from the income of the person obligated to pay support.

8 6. Not more than one-half of the obligor's disposable income for any
9 period may be taken to satisfy an income withholding order issued for the
10 support of any person.

11 7. The amount of disposable income exempt from the income withholding
12 order must be paid to the obligor on the regular payday for the pay period
13 in which income is earned.

14 8. The employer or other payor shall continue to withhold the amount
15 set forth in the order each pay period and shall forward the amount to the
16 child support payment clearinghouse until either:

17 (a) The obligor files a request for administrative review with the
18 department or its agent and after review the department or its agent modifies
19 or terminates the income withholding order.

20 (b) The obligor files a petition with the court and, after a hearing,
21 the court modifies or terminates the income withholding order.

22 9. An employer may not refuse to hire, may not discharge or may not
23 otherwise discipline the obligor as a result of this income withholding
24 order. If the obligor is wrongfully refused employment, discharged or
25 otherwise disciplined, the obligor may recover damages suffered,
26 reinstatement of employment if appropriate and reasonable attorney fees and
27 costs incurred against the employer.

28 10. Unless ordered otherwise, the obligor has a duty to notify the
29 support payment clearinghouse in writing of the address of the obligor's
30 residence and employment and, within ten days, of a change in either
31 one. The department or its agent shall use these addresses to notify the
32 obligor of all subsequent actions to enforce support. Failure of the obligor
33 to advise the department of changes in residential or employment address may
34 subject the obligor to sanctions for contempt of court, including reasonable
35 attorney fees and costs.

36 ~~N.~~ O. An income withholding order issued pursuant to this section has
37 the same force and effect as an order of the superior court, has priority
38 over all other attachments, executions, garnishments or assignments and may
39 be enforced against the obligor and employer in superior court.

40 ~~O.~~ P. For purposes of this section, "arrearages" means past due
41 support, including interest.

1 Sec. 3. Section 25-812, Arizona Revised Statutes, is amended to read:
2 25-812. Voluntary acknowledgment of paternity; action to
3 overcome paternity

4 A. This state or the parent of a child born out of wedlock may
5 establish the paternity of a child by filing one of the following with the
6 clerk of the superior court, THE DEPARTMENT OF ECONOMIC SECURITY OR THE
7 DEPARTMENT OF HEALTH SERVICES:

8 ~~1. A birth certificate that is signed by the mother and father of a~~
9 ~~child born out of wedlock.~~

10 2. 1. A notarized OR WITNESSED statement that contains the social
11 security numbers of both parents and that is signed by both parents
12 acknowledging paternity or TWO separate substantially similar notarized OR
13 WITNESSED statements acknowledging paternity. If another man is presumed to
14 be the child's father pursuant to section 25-814, ~~a person may make an~~
15 acknowledgment of paternity IS VALID only with the presumed father's written
16 consent OR AS PRESCRIBED PURSUANT TO SECTION 25-814. A STATEMENT THAT IS
17 WITNESSED BY AN EMPLOYEE OF THE DEPARTMENT OF ECONOMIC SECURITY OR THE
18 DEPARTMENT OF HEALTH SERVICES OR BY AN EMPLOYEE OF A HOSPITAL MUST CONTAIN
19 THE PRINTED NAME AND RESIDENTIAL OR BUSINESS ADDRESS OF THE WITNESS. A
20 STATEMENT THAT IS WITNESSED BY ANY OTHER PERSON MUST CONTAIN THE PRINTED NAME
21 AND RESIDENTIAL ADDRESS OF THE WITNESS. IF THE ACKNOWLEDGMENT OF PATERNITY
22 IS WITNESSED, THE WITNESS MUST BE AN ADULT WHO IS NOT RELATED TO EITHER
23 PARENT BY BLOOD OR BY MARRIAGE.

24 ~~3.~~ 2. An agreement by the parents to be bound by the results of
25 genetic testing including any genetic test previously accepted by a court of
26 competent jurisdiction, or any combination of genetic testing agreed to by
27 the parties, and an affidavit from a certified laboratory that the tested
28 father has not been excluded.

29 B. On filing a document required in subsection A of this section with
30 the clerk of the superior court, the clerk shall issue an order establishing
31 paternity, which shall include the social security number of the parents and
32 may amend the name of the child or children, if requested by the
33 parents. The clerk shall transmit a copy of the order of paternity to the
34 department of health services AND THE DEPARTMENT OF ECONOMIC SECURITY.

35 C. On entry of an order by the clerk of the superior court, the
36 paternity determination has the same force and effect as a judgment of the
37 superior court. In a non-title IV-D case, the clerk shall transmit a copy
38 of an order granted under this subsection to the state title IV-D
39 agency. The case filing fee prescribed by section 12-284 shall not be
40 charged to any person who, in the same county, initiates or responds to a
41 proceeding to establish child support or to obtain an order for custody or
42 parenting time within ninety days after an order establishing paternity is
43 issued under subsection B of this section.

44 ~~D. This state or the parent of a child born out of wedlock may~~
45 ~~establish paternity by filing with the department of health services pursuant~~

1 to section 36-322 either a notarized statement that contains the social
2 security numbers of both parents, that is signed by both parents and that
3 acknowledges paternity or by separate but substantially similar notarized
4 statements that acknowledge paternity. A notarized statement that
5 acknowledges paternity VOLUNTARY ACKNOWLEDGMENT OF PATERNITY EXECUTED
6 PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION MAY be filed with the
7 department of economic security, which shall transmit these statements
8 PROVIDE A COPY to the department of health services. A statement VOLUNTARY
9 ACKNOWLEDGMENT OF PATERNITY made pursuant to this subsection SECTION is a
10 determination of paternity and has the same force and effect as a superior
11 court judgment.

12 E. Pursuant to rule 60(c) of the Arizona rules of civil procedure, the
13 mother, father or child, or a party to the proceeding on a rule 60(c) motion
14 may challenge a voluntary acknowledgment of paternity established in this
15 state at any time after the sixty day period only on the basis of fraud,
16 duress or material mistake of fact, with the burden of proof on the
17 challenger and under which the legal responsibilities, including child
18 support obligations of any signatory arising from the acknowledgment shall
19 not be suspended during the challenge except for good cause shown. The court
20 shall order the mother, her child or children and the alleged father to
21 submit to genetic testing and shall direct that appropriate testing
22 procedures determine the inherited characteristics, including blood and
23 tissue type. If the court finds by clear and convincing evidence that the
24 genetic tests demonstrate that the established father is not the biological
25 father of the child, the court shall vacate the determination of paternity
26 and terminate the obligation of that party to pay ongoing child support. An
27 order vacating the determination of paternity operates prospectively only and
28 does not alter the obligation to pay child support arrearages or, unless
29 otherwise ordered by the court, any other amount previously ordered to be
30 paid pursuant to section 25-809.

31 F. Before signing a voluntary acknowledgment of paternity pursuant to
32 this section, the parties shall be provided notice of the alternatives to,
33 the legal consequences of and the rights and responsibilities that arise from
34 signing the acknowledgment.

35 G. The department of economic security shall notify the department of
36 health services of all paternity determinations and rescissions.

37 H. The mother or the father may rescind the acknowledgment of
38 paternity within the earlier of:

39 1. Sixty days after the last signature is affixed to the notarized
40 acknowledgment of paternity that is filed with the department of economic
41 security, the department of health services or the clerk of the court.

42 2. The date of a proceeding relating to the child, including a child
43 support proceeding in which the mother or father is a party.

44 I. A RESCISSION AUTHORIZED PURSUANT TO SUBSECTION H OF THIS SECTION
45 MUST BE IN WRITING AND a copy of each rescission of paternity shall be filed

1 with the department of ~~health services~~ OF ECONOMIC SECURITY. The department
2 of ~~health services~~ ECONOMIC SECURITY shall mail a copy of the rescission of
3 paternity to the other parent and to the department of ~~economic security~~
4 HEALTH SERVICES.

5 J. Voluntary acknowledgments of paternity and rescissions of paternity
6 filed pursuant to this section shall contain data elements in accordance with
7 the requirements of the United States secretary of health and human services.

8 Sec. 4. Section 25-814, Arizona Revised Statutes, is amended to read:

9 25-814. Presumption of paternity

10 A. A man is presumed to be the father of the child if:

11 1. He and the mother of the child were married at any time in the ten
12 months immediately preceding the birth or the child is born within ten months
13 after the marriage is terminated by death, annulment, declaration of
14 invalidity or dissolution of marriage or after the court enters a decree of
15 legal separation.

16 2. Genetic testing affirms at least a ninety-five per cent probability
17 of paternity.

18 3. A birth certificate is signed by the mother and father of a child
19 born out of wedlock.

20 4. A notarized OR WITNESSED statement is signed by both parents
21 acknowledging paternity or separate substantially similar notarized OR
22 WITNESSED statements are signed BY BOTH PARENTS acknowledging paternity.

23 B. If another man is presumed to be the child's father under
24 subsection A, paragraph 1, an acknowledgment of paternity may be effected
25 only with the written consent of the presumed father or after the presumption
26 is rebutted. If the presumed father HAS DIED OR cannot reasonably be
27 located, paternity may be established without written consent.

28 C. Any presumption under this section shall be rebutted by clear and
29 convincing evidence. If two or more presumptions apply, the presumption that
30 the court determines, on the facts, is based on weightier considerations of
31 policy and logic will control. A court decree establishing paternity of the
32 child by another man rebuts the presumption.

33 Sec. 5. Section 25-817, Arizona Revised Statutes, is amended to read:

34 25-817. Temporary support orders; presumption of paternity

35 A. The court shall issue a temporary order of support pending a
36 judicial determination of paternity if either:

37 1. Genetic testing affirms at least a ninety-five per cent probability
38 of paternity.

39 2. A notarized OR WITNESSED statement is signed by both parents
40 acknowledging paternity or separate substantially similar notarized OR
41 WITNESSED statements are signed acknowledging paternity and filed with the
42 department of health services pursuant to section 36-322 or filed with the
43 department of economic security.

44 3. There is other clear and convincing evidence as determined by a
45 court.

1 B. A temporary order of support does not prejudice the rights of a
2 person or child that are adjudicated at subsequent hearings in the
3 proceeding.

4 C. A temporary order of support may be revoked or modified and
5 terminates when the final support order is entered or when the petition for
6 support is dismissed.

7 Sec. 6. Section 36-322, Arizona Revised Statutes, is amended to read:

8 36-322. Birth registration; birth certificates or records;
9 access to birth certificates

10 A. A certificate or record of live birth for each child born alive in
11 this state shall be filed with the designated registrar within seven days
12 following the birth with the document prescribed in subsection C of this
13 section. This may be done electronically as prescribed by the state
14 registrar. If a document is filed pursuant to section 25-812, subsection A,
15 the document shall be forwarded to the designated registrar with the birth
16 certificate.

17 B. If a birth occurs in a moving conveyance, the birth is considered
18 to have occurred in the place where the child was initially removed from the
19 conveyance.

20 C. If a birth occurs in an institution, the person in charge of the
21 institution or that person's designated representative shall obtain the
22 personal data and prepare the certificate or record. If it is a physical
23 certificate or record, the person or the person's designee shall obtain the
24 required signatures of the informant and attendant and file the certificate
25 or record with the designated registrar. The state registrar may accept
26 certificates or records filed electronically without signatures. The
27 personal data shall include the social security numbers of the mother and
28 father. The social security numbers shall be filed with the certificate or
29 record as a separate document. The social security numbers shall not appear
30 on the birth certificate or record. The persons certifying to required
31 information shall furnish this information and affix their signatures in
32 sufficient time to enable the physical certificate or record and the
33 accompanying document to be filed within the prescribed period. If a child
34 is born out of wedlock in an institution, the parents shall have an
35 opportunity to voluntarily acknowledge paternity immediately before or after
36 the birth of the child.

37 D. If the birth occurs outside an institution, the necessary data
38 prescribed in subsection C of this section shall be obtained and the
39 certificate and the accompanying document shall be prepared and filed by one
40 of the following in the indicated order of priority:

- 41 1. The physician in attendance at or immediately after the birth.
- 42 2. In the absence of a physician, any other person in medical
43 attendance at or immediately after the birth.
- 44 3. In the absence of the person prescribed in paragraph 2 of this
45 subsection, the mother, the father or any other family member who can supply

1 the required information, or the person in charge of the premises where the
2 birth occurred.

3 4. In the absence or inability of a person prescribed in paragraph 3
4 of this subsection to act, any other person who witnessed the birth and can
5 supply the required information.

6 E. If the mother of a child is married at the time of birth of the
7 child or was married at any time in the ten months immediately preceding the
8 birth, the name of her husband shall be entered on the birth certificate as
9 the father and is otherwise presumed to be the father of the child. If a
10 court of competent jurisdiction has established that another man is the
11 child's father, that man's name shall be entered on the record as the father.

12 F. If the mother of a child is unmarried at the time of birth of the
13 child and was unmarried throughout the ten months immediately preceding the
14 birth, the name of the alleged father, if any, shall not be entered on the
15 birth certificate unless sworn statements that comply with section 25-812,
16 subsection A, paragraph 2- 1 acknowledging paternity are voluntarily
17 presented by both the alleged father and the mother, or unless paternity has
18 been established by a court of competent jurisdiction. The voluntary
19 acknowledgment of paternity that is made pursuant to this subsection is a
20 determination of paternity and has the same force as a judgment of the
21 superior court subject to the right of the mother or alleged father to
22 rescind the acknowledgment pursuant to section 25-812.

23 G. The state registrar shall notify the state title IV-D agency of all
24 paternity determinations and rescissions.

25 H. Either parent may sign a physical copy of the birth certificate or
26 record attesting to the accuracy of the personal data. If a parent is not
27 available to sign, the record may be signed by another family member or other
28 person possessing personal knowledge of the information attested to.

29 I. Except in class A registration districts, the birth certificate or
30 record of a child born out of wedlock shall be filed directly with the state
31 registrar.

32 J. The state registrar shall not refuse to register a birth
33 certificate because the certificate does not include the name of the father
34 required by subsection F of this section.

35 K. Registration of a birth certificate shall be accompanied by the
36 social security numbers of the mother and father. If subsection G of this
37 section applies, the social security number of the alleged father of the
38 child shall be provided whether paternity has been established or
39 acknowledged. This information is available on request to the child support
40 enforcement agency to locate the absent parent or alleged father or to
41 establish or enforce child support orders.

42 L. If the mother or father does not have a social security number,
43 another legal identifying number may be used, including a tribal enrollment
44 number, an immigration and naturalization service alien registration number
45 or a nonimmigrant visa number. If a person has an immigration and

1 naturalization service alien registration number and a nonimmigrant visa
2 number, that person shall submit both numbers.

3 M. The department shall adopt rules providing for good cause
4 exceptions to the requirements of this section. Good cause exceptions shall
5 include a case in which:

6 1. A parent is not a United States citizen.

7 2. The name, identity or whereabouts of the father are unknown.

8 3. The name of the father does not appear on the birth certificate.

9 4. The child was conceived as a result of incest, sexual assault or
10 sexual conduct with a minor.

11 5. Legal proceedings for the adoption of the child are pending before
12 a court of competent jurisdiction.

13 N. The Arizona state library, archives and public records shall allow
14 a person access to all birth certificates if seventy-five years have passed
15 after the date of birth as registered on the birth certificate. The Arizona
16 state library, archives and public records shall allow a person to have
17 access to any records that are eligible for review under this subsection and
18 that have been transferred to the Arizona state library, archives and public
19 records pursuant to section 36-302, subsection B and shall make it known to
20 persons reviewing those records that they are not certified records. The
21 Arizona state library, archives and public records shall microfilm or
22 microfiche records that are available to the public pursuant to this
23 subsection. The department of health services shall provide for the
24 safekeeping of the original records until the department transfers the
25 records to the Arizona state library, archives and public records for
26 archiving pursuant to section 36-302, subsection B. The Arizona state
27 library, archives and public records shall provide for the continued
28 safekeeping of the original records after the department of health services
29 transfers the records pursuant to section 36-302, subsection B.

APPROVED BY THE GOVERNOR MAY 19, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2003.

Passed the House February 10, 2003,

by the following vote: 56 Ayes,

Passed the Senate April 8, 2003

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting
1 vacancy
Jake Elake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

0 Nays, 9 Not Voting
Ken Bennett
President of the Senate

Charmine Billejo
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

~~This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona~~

H.B. 2139

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State~~

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 7, 2003,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Jake Flake
Speaker of the House

Sporman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 12, 2003,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Kari Phelan
President of the Senate

Channing B. Bickel
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 13 day of May, 2003

at 12:05 o'clock P M.

Sandra Camarero
Secretary to the Governor

Approved this 19 day of

May, 2003,

at 4:30 o'clock P M.

J. R. Sanchez
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2003,

at 12:53 o'clock P M.

Janice K. Brown
Secretary of State

H.B. 2139